

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the Commission's Rules	)	WP Docket No. 16-261
To Improve Access to Private Land Mobile Radio	)	
	)	
Land Mobile Communications Council	)	RM-11719
Petition for Rulemaking Regarding Interim	)	
Eligibility for 800 MHz Expansion Band and	)	
Guard Band Frequencies	)	
	)	
Petition for Rulemaking Regarding Conditional	)	RM-11722
Licensing Authority Above 470 MHz	)	
To: The Commission		

**REPLY COMMENTS**  
**OF**  
**GOVERNMENT WIRELESS TECHNOLOGY & COMMUNICATIONS ASSOCIATION**

The Government Wireless Technology & Communications Association (“GWTCA”), through counsel and pursuant to the Notice of Proposed Rule Making (“NPRM”) issued by the Commission on August 18, 2016, hereby respectfully submits its Comments in the above-referenced proceeding.<sup>1</sup>

**I. BACKGROUND**

The Government Wireless Technology & Communications Association (“GWTCA”) is a newly-established non-profit trade association created to advocate on behalf of government and

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<sup>1</sup> FCC 16-110, released August 18, 2016.

non-government users of wireless technology and communications in the public service industries, such as public transit.<sup>2</sup> GWTCA's membership includes government agencies, manufacturers, engineers and consultants working on a variety of issues impacting represented users.

In this proceeding, the Commission has requested comments on a number of proposals, including: (1) 450 MHz frequency assignments for frequencies between Private Land Mobile Radio ("PLMR") spectrum and Broadcast Auxiliary Service spectrum; (2) 450 MHz frequency assignments for frequencies between PLMR spectrum and General Mobile Radio Service spectrum; (3) use of certain frequencies assigned for Central Alarm Station services; (3) temporary and condition licensing for spectrum above 470 MHz; (4) use of signal boosters for certain fixed operations; and (5) providing a temporary preference for incumbent licensees for newly released spectrum in the 800 MHz band recovered from Sprint Nextel as part of the Commission's 800 MHz rebanding initiative.

GWTCA's comments in this proceeding are limited to the Commission's 800 MHz incumbent preference proposal.

## **II. COMMENTS**

GWTCA appreciates the concerns of the Land Mobile Communications Council ("LMCC"), which prompted this request. However, LMCC and the Commission have not provided an actual definition of "incumbent" (there is no proposed "rule" in the NPRM), or defined how the preference would be instituted. In this regard, the NPRM fails to address the questions posed in the filing of May 30, 2014 in this proceeding by Janus Spectrum, LLC ("Janus"). Specifically, Janus posed the following questions:

- Does the proposed restriction mean additional channels may be added at the same site, or does it include a request for additional sites?

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<sup>2</sup> [www.gwtca.org](http://www.gwtca.org).

- If an existing licensee may license a new transmitter site, does the new site have to be within the existing contours of the licensee's existing sites?<sup>3</sup>
- If an existing licensee may license a new transmitter site, but within the same general service area, how much of a geographic expansion is permissible?

The answers to these questions is important, and without exploration of these topics, adoption of the any preference insufficiently provides adequate notice to the applicant community, and fails to enable sufficient comment upon which the Commission may base a decision.

The impact of these decisions on GWTCAs members and the land mobile community in general is immense. Many land mobile radio users, public safety, governmental and business/industrial, have been waiting over a decade for release of these channels. In this regard, the GWTCAs are pleased that the Commission recently released a Public Notice announcing the release of additional 800 MHz Sprint-released channels for public safety entities in the interleaved band. GWTCAs fears that exploration of the important implementation issues discussed above will result in further delays in release of 800 MHz non-interleaved spectrum. The following represents some real world examples which must be addressed by the Commission:

- A commuter railroad, seeking to add additional transmitter sites as part of a system upgrade, which extends the company's area of operations to commuters further way;
- A company that owns oil refineries, seeking to upgrade their aging radio infrastructure, and move from 450 MHz, where exclusive channels are generally not available, to 800 MHz, where they are;
- Potomac Spectrum Partners, seeking to acquire 800 MHz spectrum throughout the country, and create a nationwide TETRA radio system.<sup>4</sup> While it can be assumed that PSP will partner with some existing licensees, what will it do with regard to coverage in areas where partners are unavailable?

The Commission must consider whether each of these real world examples should be treated as incumbents for purposes of its proposed preference.

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<sup>3</sup> The NPRM mentions the word "market", but provides no definition or limitation.

<sup>4</sup> <http://potomacspectrum.com/news/>.

### **III. CONCLUSION**

WHEREFORE, the premises considered, it is respectfully requested that the Commission act in a manner consistent with these comments.

Respectfully submitted,

GOVERNMENT WIRELESS TECHNOLOGY  
& COMMUNICATIONS ASSOCIATION

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